


PROB 12C (Rev. 08/18)				<b><u>SECOND AMENDED VIOLATION</u></b> <b>REPORT PART 1: PETITION</b> <b>FOR WARRANT</b>		<b>U. S. Probation Office</b> Eastern District of Michigan		PACTS 33926		DATE <u>06/6/2022</u>	
NAME PROGE, JR., Earnest Lee				OFFICER Mary Whitt		JUDGE Stephen J. Murphy, III				DOCKET # 12-CR-20052-05	
ORIGINAL SENTENCE DATE 04/17/2015  COMMENCED 12/14/2020  EXPIRATION 12/13/2022		SUPERVISION TYPE Supervised Release		CRIMINAL HISTORY CATEGORY I		TOTAL OFFENSE LEVEL 42		PHOTO 			
ASST. U.S. ATTORNEY Steven Cares				DEFENSE ATTORNEY To Be Determined							
REPORT PURPOSE <b><u>SECOND AMENDED VIOLATION TO PETITION</u></b> <b><u>FILED ON APRIL 22, 2022</u></b> <b><u>(Please note the amended information is underlined)</u></b>											
ORIGINAL OFFENSE Count 1: 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C), Conspiracy to Distribute Controlled Substances Count 2: 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(I) and 18 U.S.C. § 2, Possession with Intent to Distribute one Kilogram or More of Heroin, Aiding and Abetting Count 3: 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(ii)(II), Possession with Intent to Distribute Five Kilograms or More of Cocaine. Count 8: 18 U.S.C. §§ 922(g) and 924(a)(2), Felon in Possession of a Firearm Count 10: 18 U.S.C. §§ 1956(a)(1)(A)(i), (B)(i), (ii) and 1956(h) and 21 U.S.C. 841(b)(1)(A), Conspiracy to Launder Monetary Instruments <u>AMENDED CHARGE: Count 1: 21 U.S.C. §§ 846, 841(a)(1), Conspiracy to Distribute Controlled Substances</u>											
SENTENCE DISPOSITION/ Custody of the Bureau of Prisons for a term of 360 months on Counts 1 through 3; 120 months on Count 8; and 240 months on Count 10. All counts are imposed to run concurrently, to be followed by a five-year term of supervised release on Counts 1 through 3; and a three-year term of supervised release on Counts 8 and 10. All terms of supervised release shall be served concurrently.											

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<p>Amended Sentence: June 1, 2017: Correction of Sentence for Clerical Mistake. The defendant has been found not guilty on Count 3 of the Superseding Indictment. Custody of the Bureau of Prisons for a term of 360 months on Counts 1 and 2; 120 months on Count 8; and 240 months on Count 10. All counts are imposed to run concurrently, to be followed by a five-year term of supervised release on Counts 1 and 2; and a three-year term of supervised release on Counts 8 and 10. All terms of supervised release shall be served concurrently. All other conditions of the original judgment remain in full force and effect.</p> <p>Amended Sentence: October 24, 2018: All remaining counts are dismissed on the motion of the United States. Custody of the Bureau of Prisons for a term of 90 months, to be followed by a two-year term of supervised release. Special conditions:</p> <ol style="list-style-type: none"> <li>1. The defendant shall participate in a program to obtain a General Educational Development certificate (GED) during the term of incarceration. If the defendant does not obtain a GED while incarcerated, the defendant shall work towards obtaining a GED during the term of supervised release.</li> <li>2. The defendant shall submit his person, residence, office, vehicle(s), papers, business or place of employment, and any property under his control to a search. Such a search shall be conducted by a United States Probation Officer at a reasonable time and in a reasonable manner based upon a reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to such a search may be grounds for revocation. The defendant shall warn any residents that the premises may be subject to searches.</li> <li>3. The defendant shall be lawfully and gainfully employed, participating in an educational/vocational program, or a combination thereof which would be equivalent of full-time employment. "Full-time" employment is defined as 40 hours per week.</li> </ol> <p>Modification: March 31, 2021: Modification to the condition(s) of supervised release as follows:</p> <p><b>Remove:</b> "The defendant shall participate in a program to obtain a General Educational Development certificate (GED) during the term of incarceration. If the defendant does not obtain a GED while incarcerated, the defendant shall work towards obtaining a GED during the term of supervised release."</p>					
<p><b>ORIGINAL SPECIAL CONDITIONS</b></p> <ol style="list-style-type: none"> <li>1. The defendant shall submit his person, residence, office, vehicle(s), papers, business or place of employment, and any property under his control to a search. Such a search shall be conducted by a United States Probation Officer at a reasonable time and in a reasonable manner based upon a reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to such a search may be grounds for revocation. The defendant shall warn any residents that the premises may be subject to searches.</li> </ol> <p>Criminal Monetary Penalty: Special Assessment \$100.00 (paid).</p>					

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The probation officer believes that the offender has violated the following conditions of Supervised Release:					
VIOLATION NUMBER	NATURE OF NONCOMPLIANCE				
1	<p><b><u>Violation of Mandatory Condition:</u> “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.”</b></p> <p>According to a federal Criminal Complaint filed on May 20, 2021, EARNEST LEE PROGE was arrested for trafficking narcotics in Avon, Ohio, on May 19, 2021. A traffic stop was initiated after a trooper with the Avon (Ohio) Police Department noticed a Dodge Challenger traveling too closely to the vehicle in front of it. The driver was identified as codefendant Ciera Kincaid while the passenger was identified as EARNEST LEE PROGE. The driver immediately put her hands up in the air and was breathing rapidly. The police officer noted the driver nervously looked to PROGE before answering any of his questions. The police officer asked them to exit the vehicle so a detective with a K9 unit could conduct an “open-air sniff”. PROGE stated neither of them would exit the vehicle until they spoke to a supervisor. A supervisor later arrived on scene and then both PROGE and Kincaid exited the vehicle. An open-air sniff was conducted, and a positive alert occurred near the driver’s side of the vehicle. A search of the vehicle revealed a silver purse containing a red bag which contained a clear plastic sandwich bag of a white powdery substance. The white substance weighed 312.9 grams and was field tested which returned positive for cocaine. A search of PROGE’s person resulted in a large sum of U.S. Currency located in his pants pocket. The currency contained numerous one hundred-dollar bills and twenty-dollar bills that were rubber banded together in a manner consistent with drug traffickers. PROGE waived his Miranda rights and admitted he was travelling to the Cleveland area for the purpose of conducting a cocaine transaction. PROGE stated a man he met in prison named “Chuck” was travelling from Pennsylvania, to meet him in Cleveland to buy the cocaine. PROGE planned to sell the cocaine for \$1,200.00 per ounce or approximately \$11,000.00.</p> <p>On May 20, 2021, a Complaint was filed under Case Number 1:21-mj-03165-01 in the United States District Court, Northern District of Ohio, charging the offender with Count 1, Conspire to Knowingly Possess with Intent to Distribute Cocaine, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C). PROGE has not yet pled to the charges. A detention hearing took place on for May 26, 2021, before the Magistrate Judge Thomas M. Parker. The magistrate ordered the defense’s motion for bond under advisement; the defense counsel was granted leave to file a supplement to the motion for bond as soon as possible after securing pertinent pages of the prior presentence report from the Eastern District of Michigan. He remains in custody of the United States Marshals pending further proceedings.</p>				

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2	<p>On October 26, 2021, PROGE appeared before the Honorable Patricia A. Gaughan in the Northern District of Ohio under Docket Number 21-CR-461-001. He pled guilty to Count 1: Conspiracy to Possess with Intent to Distribute and Distribute Cocaine, in violation of 21 U.S.C. § 846; and Count 2: Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. § 841(a)(1).</p> <p>On March 8, 2022, PROGE was sentenced to the custody of the Bureau of Prisons for 30 months as to counts 1 and 2 to run concurrent with credit for time served. The custodial term to be followed by three years supervised release on counts 1 and 2 to run concurrent.</p>				
	<p><b><u>Violation of Standard Condition:</u> “THE DEFENDANT SHALL NOT LEAVE THE JUDICIAL DISTRICT WITHOUT THE PERMISSION OF THE COURT OR PROBATION OFFICER”.</b></p> <p>As stated in the federal Criminal Complaint, PROGE traveled to Avon, Ohio, and intended to travel to Cleveland, Ohio on May 19, 2021. He did not request permission to leave the district, nor had this officer given him permission to leave the district.</p>				
3	<p><b><u>Violation of Standard Condition:</u> “THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN”.</b></p> <p>As stated in the Federal Criminal Complaint, PROGE and his girlfriend were found to be in possession of 312.9 grams of cocaine on May 19, 2021. PROGE admitted he had planned to sell the cocaine to a man he had met in prison.</p>				
4	<p><b><u>Violation of Standard Condition:</u> “THE DEFENDANT SHALL NOT ASSOCIATE WITH ANY PERSONS ENGAGED IN CRIMINAL ACTIVITY AND SHALL NOT ASSOCIATE WITH ANY PERSON CONVICTED OF A FELONY, UNLESS GRANTED PERMISSION TO DO SO BY THE PROBATION OFFICER.”</b></p> <p>As stated in the federal Criminal Complaint, PROGE was travelling to meet with a man he had met in prison on May 19, 2021. He did not request permission to associate with “Chuck”, nor had this officer given him permission to do so on any occasion.</p>				

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I declare under penalty of perjury that the foregoing is true and correct. PROBATION OFFICER  s/Mary Whitt/sh/tmg (313) 234-5423			DISTRIBUTION  Court		
SUPERVISING PROBATION OFFICER  s/Christina R. Wilkerson (313) 234-5460			PROBATION ROUTING  Data Entry		
<b>THE COURT ORDERS:</b>  <input checked="" type="checkbox"/> The above changes as an amendment to the warrant petition dated April 22, 2022. The changes reflect the <u>guideline range the Court found during the violation hearing which took place May 10, 2022.</u>  <input type="checkbox"/> Other					
<div style="text-align: right;"> <u>s/Stephen J. Murphy, III</u>  United States District Judge   <u>6/13/2022</u>  Date </div>					